

106TH CONGRESS
1ST SESSION

H. R. 1247

To expand the fund raising authorities of the American Battle Monuments Commission to expedite the establishment of the World War II memorial in the District of Columbia and to ensure adequate funds for the repair and long-term maintenance of the memorial, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 1999

Mr. STUMP (for himself and Mr. EVANS) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To expand the fund raising authorities of the American Battle Monuments Commission to expedite the establishment of the World War II memorial in the District of Columbia and to ensure adequate funds for the repair and long-term maintenance of the memorial, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “World War II Memo-
5 rial Completion Act”.

1 **SEC. 2. FUND RAISING BY AMERICAN BATTLE MONUMENTS**

2 **COMMISSION FOR WORLD WAR II MEMORIAL.**

3 (a) CODIFICATION OF EXISTING AUTHORITY; EX-
4 PANSION OF AUTHORITY.—(1) Chapter 21 of title 36,
5 United States Code, is amended by adding at the end the
6 following new section:

7 **“§ 2113. World War II memorial in the District of Co-**
8 **lumbia**

9 “(a) DEFINITIONS.—In this section:

10 “(1) The term ‘World War II memorial’ means
11 the memorial authorized by Public Law 103–32
12 (107 Stat. 90) to be established by the American
13 Battle Monuments Commission on Federal land in
14 the District of Columbia or its environs to honor
15 members of the Armed Forces who served in World
16 War II and to commemorate the participation of the
17 United States in that war.

18 “(2) The term ‘Commission’ means the Amer-
19 ican Battle Monuments Commission.

20 “(3) The term ‘memorial fund’ means the fund
21 created by subsection (c).

22 “(b) SOLICITATION AND ACCEPTANCE OF CONTRIBU-
23 TIONS.—Consistent with the authority of the Commission
24 under section 2103(e) of this title, the Commission shall
25 solicit and accept contributions for the World War II me-
26 morial.

1 “(c) CREATION OF MEMORIAL FUND.—(1) There is
2 hereby created in the Treasury a fund for the World War
3 II memorial, which shall consist of the following:

4 “(A) Amounts deposited, and interest and pro-
5 ceeds credited, under paragraph (2).

6 “(B) Obligations obtained under paragraph (3).

7 “(C) The amount of surcharges paid to the
8 Commission for the World War II memorial under
9 the World War II 50th Anniversary Commemorative
10 Coins Act.

11 “(D) Amounts borrowed using the authority
12 provided under subsection (e).

13 “(E) Any funds received by the Commission
14 under section 2103(l) of this title in exchange for
15 use of, or the right to use, any mark, copyright or
16 patent.

17 “(2) The Chairman of the Commission shall deposit
18 in the memorial fund the amounts accepted as contribu-
19 tions under subsection (b). The Secretary of the Treasury
20 shall credit to the memorial fund the interest on, and the
21 proceeds from sale or redemption of, obligations held in
22 the memorial fund.

23 “(3) The Secretary of the Treasury shall invest any
24 portion of the memorial fund that, as determined by the
25 Chairman of the Commission, is not required to meet cur-

1 rent expenses. Each investment shall be made in an inter-
2 est bearing obligation of the United States or an obligation
3 guaranteed as to principal and interest by the United
4 States that, as determined by the Chairman of the Com-
5 mission, has a maturity suitable for the memorial fund.

6 “(d) USE OF MEMORIAL FUND.—The memorial fund
7 shall be available to the Commission for—

8 “(1) the expenses of establishing the World
9 War II memorial, including the maintenance and
10 preservation amount provided for in section 8(b) of
11 the Commemorative Works Act (40 U.S.C. 1008(b));

12 “(2) such other expenses, other than routine
13 maintenance, with respect to the World War II me-
14 morial as the Commission considers warranted; and

15 “(3) to secure, obtain, register, enforce, protect,
16 and license any mark, copyright or patent that is
17 owned by, assigned to, or licensed to the Commission
18 under section 2103(l) of this title to aid or facilitate
19 the construction of the World War II memorial.

20 “(e) SPECIAL BORROWING AUTHORITY.—(1) To as-
21 sure that groundbreaking, construction, and dedication of
22 the World War II memorial are completed on a timely
23 basis, the Commission may borrow money from the Treas-
24 ury of the United States in such amounts as the Commis-
25 sion considers necessary, but not to exceed a total of

1 \$65,000,000. Borrowed amounts shall bear interest at a
2 rate determined by the Secretary of the Treasury, taking
3 into consideration the average market yield on outstanding
4 marketable obligations of the United States of comparable
5 maturities during the month preceding the month in which
6 the obligations of the Commission are issued. The interest
7 payments on such obligations may be deferred with the
8 approval of the Secretary of the Treasury, but any interest
9 payment so deferred shall also bear interest.

10 “(2) The borrowing of money by the Commission
11 under paragraph (1) shall be subject to such maturities,
12 terms, and conditions as may be agreed upon by the Com-
13 mission and the Secretary of the Treasury, except that
14 the maturities may not exceed 20 years and such bor-
15 rowings may be redeemable at the option of the Commis-
16 sion before maturity.

17 “(3) The obligations of the Commission shall be
18 issued in amounts and at prices approved by the Secretary
19 of the Treasury. The authority of the Commission to issue
20 obligations under this subsection shall remain available
21 without fiscal year limitation. The Secretary of the Treas-
22 ury shall purchase any obligations of the Commission to
23 be issued under this subsection, and for such purpose the
24 Secretary of the Treasury may use as a public debt trans-
25 action of the United States the proceeds from the sale of

1 any securities issued under chapter 31 of title 31. The
2 purposes for which securities may be issued under such
3 chapter are extended to include any purchase of the Com-
4 mission's obligations under this subsection.

5 “(4) Repayment of the interest and principal on any
6 funds borrowed by the Commission under paragraph (1)
7 shall be made from amounts in the memorial fund. The
8 Commission may not use for such purpose any funds ap-
9 propriated for any other activities of the Commission.

10 “(f) TREATMENT OF BORROWING AUTHORITY.—In
11 determining whether the Commission has sufficient funds
12 to complete construction of the World War II memorial,
13 as required by section 8 of the Commemorative Works Act
14 (40 U.S.C. 1008), the Secretary of the Interior shall con-
15 sider the funds that the Commission may borrow from the
16 Treasury under subsection (e) as funds available to com-
17 plete construction of the memorial, whether or not the
18 Commission has actually exercised the authority to borrow
19 such funds.

20 “(g) VOLUNTARY SERVICES.—(1) Notwithstanding
21 section 1342 of title 31, the Commission may accept from
22 any person voluntary services to be provided in further-
23 ance of the fund-raising activities of the Commission relat-
24 ing to the World War II memorial.

1 “(2) A person providing voluntary services under this
2 subsection shall be considered to be a Federal employee
3 for purposes of chapter 81 of title 5, relating to compensa-
4 tion for work-related injuries, and chapter 171 of title 28,
5 relating to tort claims. A volunteer who is not otherwise
6 employed by the Federal Government shall not be consid-
7 ered to be a Federal employee for any other purpose by
8 reason of the provision of such voluntary service, except
9 that any volunteers given responsibility for the handling
10 of funds or the carrying out of a Federal function are sub-
11 ject to the conflict of interest laws contained in chapter
12 11 of title 18, and the administrative standards of conduct
13 contained in part 2635 of title 5, Code of Federal Regula-
14 tions.

15 “(3) The Commission may provide for reimbursement
16 of incidental expenses which are incurred by a person pro-
17 viding voluntary services under this subsection. The Com-
18 mission shall determine which expenses are eligible for re-
19 imbursement under this paragraph.

20 “(4) Nothing in this subsection shall be construed to
21 require Federal employees to work without compensation
22 or to allow the use of volunteer services to displace or re-
23 place Federal employees.

24 “(h) TREATMENT OF CERTAIN CONTRACTS.—A con-
25 tract entered into by the Commission for the design or

1 construction of the World War II memorial is not funding
2 agreement as that term is defined in section 201 of title
3 35.

4 “(i) EXTENSION OF AUTHORITY TO ESTABLISH ME-
5 MORIAL.—Notwithstanding section 10 of the Commemora-
6 tive Works Act (40 U.S.C. 1010), the legislative author-
7 ization for the construction of the World War II memorial
8 contained in Public Law 103–32 (107 Stat. 90) shall not
9 expire until December 31, 2005.”.

10 (2) The table of sections at the beginning of such
11 chapter is amended by adding at the end the following
12 new item:

“2113. World War II memorial in the District of Columbia.”.

13 (b) CONFORMING AMENDMENTS.—Public Law 103–
14 32 (107 Stat. 90) is amended by striking sections 3, 4,
15 and 5.

16 (c) EFFECT OF REPEAL OF CURRENT MEMORIAL
17 FUND.—Upon the enactment of this Act, the Secretary
18 of the Treasury shall transfer amounts in the fund created
19 by section 4(a) of Public Law 103–32 (107 Stat. 91) to
20 the fund created by section 2113 of title 36, United States
21 Code, as added by subsection (a).

1 **SEC. 3. GENERAL AUTHORITY OF AMERICAN BATTLE**
2 **MONUMENTS COMMISSION TO SOLICIT AND**
3 **RECEIVE CONTRIBUTIONS.**

4 Subsection (e) of section 2103 of title 36, United
5 States Code, is amended to read as follows:

6 “(e) SOLICITATION AND RECEIPT OF CONTRIBU-
7 TIONS.—(1) The Commission may solicit and receive
8 funds and in-kind donations and gifts from any State, mu-
9 nicipal, or private source to carry out the purposes of this
10 chapter. The Commission shall deposit such funds in a
11 separate account in the Treasury. Funds from this ac-
12 count shall be disbursed upon vouchers approved by the
13 Chairman of the Commission as well as by a Federal offi-
14 cial authorized to sign payment vouchers.

15 “(2) The Commission shall establish written guide-
16 lines setting forth the criteria to be used in determining
17 whether the acceptance of funds and in-kind donations
18 and gifts under paragraph (1) would—

19 “(A) reflect unfavorably on the ability of the
20 Commission, or any employee of the Commission, to
21 carry out the responsibilities or official duties of the
22 Commission in a fair and objective manner; or

23 “(B) compromise the integrity or the appear-
24 ance of the integrity of the programs of the Commis-
25 sion or any official involved in those programs.”.

1 **SEC. 4. INTELLECTUAL PROPERTY AND RELATED ITEMS.**

2 Section 2103 of title 36, United States Code, is
3 amended by adding at the end the following new sub-
4 section:

5 “(1) INTELLECTUAL PROPERTY AND RELATED
6 ITEMS.—(1) The Commission may—

7 “(A) adopt, use, register, and license trade-
8 marks, service marks, and other marks;

9 “(B) obtain, use, register, and license the use
10 of copyrights consistent with section 105 of title 17;

11 “(C) obtain, use, and license patents; and

12 “(D) accept gifts of marks, copyrights, patents
13 and licenses for use by the Commission.

14 “(2) The Commission may grant exclusive and non-
15 exclusive licenses in connection with any mark, copyright,
16 patent, or license for the use of such mark, copyright or
17 patent, except to extent the grant of such license by the
18 Commission would be contrary to any contract or license
19 by which the use of such mark, copyright or patent was
20 obtained.

21 “(3) The Commission may enforce any mark, copy-
22 right, or patent by an action in the district courts under
23 any law providing for the protection of such marks, copy-
24 rights, or patents.

25 “(4) The Attorney General shall furnish the Commis-
26 sion with such legal representation as the Commission

1 may require under paragraph (3). The Secretary of De-
2 fense shall provide representation for the Commission in
3 administrative proceedings before the Patent and Trade-
4 mark Office and Copyright Office.

5 “(5) Section 203 of title 17 shall not apply to any
6 copyright transferred in any manner to the Commission.”.

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